

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	
)	Chapter 7
)	
ONE JET, INC.,)	Case No.: 18-24070-GLT
)	
Debtor.)	
)	
<hr style="width: 30%; margin-left: 0;"/> WOODY PARTNERS, ET AL.,)	
)	Adv. Pro. No.: 19-02134-GLT
Plaintiffs,)	
)	
v.)	
)	
MATTHEW R. MAGUIRE, ESTATE)	
OF PATRICK J. MAGUIRE,)	
BOUSTEAD SECURITIES, LLC, AND)	
MELVIN PIRCHESKY.)	
)	
Defendants.)	

MOTION FOR SUMMARY JUDGMENT

Defendants, Matthew R. Maguire and The Estate of Patrick J. Maguire (“the Maguires”), by and through their undersigned counsel, file the following Motion for Summary Judgment pursuant to Fed.R.Bankr.P. 7056 and W.PA.LBR 7056-1, and in support thereof aver as follows:

1. This is an adversary proceeding by investors in a failed regional airline alleging claims under the Pennsylvania Securities Act and the common law against parties allegedly liable for their investment losses.

2. The claims in the Amended Complaint remaining against Defendant, Boustead Securities, LLC (“Boustead”), and Defendant, Melvin Pirchesky, are for aiding and abetting under the Pennsylvania Securities Act, 70 P.S. § 1-503 (Count III), aiding and abetting fraud under the common law (Count IV), and negligent misrepresentation (Count VIII).

3. Boustead filed its Answer to Plaintiffs' Amended Complaint on June 22, 2020. (Document 356). Boustead's Answer includes cross-claims against the Maguires for contribution and common law indemnity.

4. Pirchesky filed his Answer to Plaintiffs' Amended Complaint on June 22, 2020. (Document 354). Pirchesky's Answer includes cross-claims against the Maguires for contribution and common law indemnity.

5. Pirchesky himself filed for bankruptcy protection on or about December 9, 2020.

6. On August 6, 2021, the Maguires filed Amended Replies to the cross-claims of Boustead and Pirchesky. (Documents 527-531).

7. On or about June 23, 2021, Plaintiffs and the Maguires executed a Settlement Agreement and Pro Rata Release resolving their differences ("the Release").

8. The Release bars the Boustead and Pirchesky cross-claims for contribution against the Maguires because, if the defendants have liability, they are joint tortfeasors whose liability for contribution is extinguished by a pro rata release. 42 P.S. § 8327.

9. There is no legal basis under the common law for the Maguires to indemnify Boustead or Pirchesky because the claims against Boustead and Pirchesky are for their own active, allegedly tortious conduct.

10. For the reasons stated above, there is no genuine issue of fact, and the Maguires are entitled to judgment as a matter of law on the cross-claims of Boustead and Pirchesky.

WHEREFORE, Defendants, Matthew R. Maguire and The Estate of Patrick J. Maguire ("the Maguires"), by and through their undersigned counsel, respectfully request an Order granting them summary judgment and dismissing all cross-claims of Defendant, Boustead Securities, LLC,

and Melvin Pirchesky, with prejudice. An appropriate Order is attached. A supporting Brief, Concise Statement of Material Facts, and Appendix, have been separately filed.

STRASSBURGER McKENNA
GUTNICK & GEFSKY

Date: August 10, 2021

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